

seller or into the office of the prothonotary of the superior court the full amount of any instalments of purchase money or interest due in virtue of the deed of sale, or shall have fulfilled every obligation entered into therein by the failure to fulfil which the seller had become entitled to demand the dissolution of the sale.

8. If the seller is prevented by any person or persons from taking possession of the land in virtue of the said judgment, he may demand and obtain from the prothonotary of the superior court a writ of possession to eject such person or persons and to place the seller in possession, and article 550 of the code of civil procedure shall apply to such writ. Judgment may be enforced by writ of possession.

9. The buyer may obtain a review of the same judgment, and articles 495 to 504 inclusively of the code of civil procedure shall apply to such review. Review of judgment. Arts. 495 to 504, C. C. P.

10. All documents forming part of the proceedings under this act shall form part of the records of the superior court. Documents to belong to S. C.

11. Articles 2148, 2152 and 2153 of the civil code shall apply to the registration of any judgment rendered under this act, and to the cancelling of the registration of any deed of sale declared void by such judgment, but article 2154 shall not apply if under section 2 of this act, the buyer has been notified in the manner prescribed by article 68 of the code of civil procedure. Arts. 2148, 2152, 2153, 2154, C. C., as to registration and cancelling.

12. In construing and applying this act every buyer who having ceased to occupy the land by himself or by his family, has either made no transfer of his rights in the land or has made a transfer, but has not notified the seller is writing of such transfer, shall be deemed to have abandoned the land; and no actual possession of the land by any person shall be deemed to be a notice of any such transfer. What shall be deemed an abandonment.

13. The words "deed of sale" in this act shall mean and include not only any deed of sale but also any promise of sale or contract in the nature of a promise of sale followed by tradition and actual possession. Meaning of "deed of sale."

CAP. XVII.

An Act to amend certain articles of the Code of Civil Procedure of Lower Canada.

[Assented to 1st February, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding the provisions of articles 48, 84, 248, 461, 555, 559, 809, 836, 857, 899, 1081 and 1082 of the code Arts. 48, 84, 248, 461, 555, 559, 809, 836,

857, 899, 1081 and 1082, C. C. P., amended. of civil procedure of Lower Canada, all writs of summons, of attachment for rent, of attachment in revendication, of attachment before or after judgment, seizure in execution, capias, subpœna or order, issuing either from the superior or circuit court, may be addressed either to the sheriff or to any bailiff of the district, in which such writ issues, and may be by them served or executed in such district or in any other district, or to the sheriff or to any bailiff of such other district in which such writ is to be served or executed.

Art. 606, C. C. P., amended. **2.** Paragraph eight of article 606, of the said code is amended by striking out all the words thereof after the words "costs of suit."

Art. 129, C. C. P., amended. **3.** Article 129 of the code of civil procedure is amended, so as to read as follows:

Security for costs may be demanded or given in vacation. 129. The application for security for costs may be made before the court or before a judge or the prothonotary in vacation, and may be adjudicated upon forthwith.

If the person bound to give security fails to do so within such time as the court, judge or prothonotary may fix, the opposite party may obtain a judgment of non-suit.

Saving the foregoing provision, any person from whom security may be demanded in virtue of article 29 of the civil code, may at any time, whether the same has been demanded or not, put in such security after one clear day's notice to the opposite party.

CAP. XVIII.

An Act to facilitate the taking of Evidence in Civil Cases.

[Assented to 1st February, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Arts. 233, 240, 263, 280, 284, 285, 287, 288, 1075, C. C. P. **1.** Notwithstanding any provisions of articles 239, 240, 263, 280, 284, 285, 287, 288 and 1075 of the code of civil procedure of Lower Canada, all depositions of witnesses in cases before the superior court, or before the circuit court, may, as regards default cases, and also by consent of the parties or of their attorneys as regards contested cases, be taken at any stage of the proceedings, at any place, on any juridical day, in or out of term, and may, after being so taken, be sworn to before a commissioner of the superior court.

Depositions may be taken at any time and sworn to before a commissioner.

Retrospective effect.

2. The provisions of the foregoing section shall apply with retroactive effect to all depositions already taken in cases now pending, but shall not in any manner affect any judgment of a court already rendered or any proceedings had or to be had in virtue of such judgment.

